IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 6TH FEBRUARY 2007 / 17TH MAGHA 1928

Crl.MC.No. 790 of 2006()

ST.336/2005 of ADDL.CHIEF JUDICIAL MAGISTRATE (E & O),ERNAKULAM

.....

PETITIONER: ACCUSED.

---

1. BELL HOUSE ASSOCIATES PRIVATE LIMITED,
   9H.B. PANAMPILLY NAGAR, KOCHI 16, REPRESENTED BY
   ITS DIRECTOR JOSE ANTONY KOKKAD.

2. JOSE ANTONY KOKKAD, AGED 62 YEARS,
   S/O.LATE ANTONY ITOOP, 72 H, PANAMPILLY NAGAR,
   ERNAKULAM, COCHI 36.

BY ADV. SRI.P.M.JOSHI

RESPONDENTS: COMPLAINANT.

---

1. THE ASSISTANT REGISTRAR OF COMPANIES
   KERALA COMPANY LAW BHAVAN, B.M.C.ROAD,
   THRIKKAKKARA P.O. KAKKANAD, COCHIN 21.

2. STATE OF KERALA, REPRESENTED BY THE
   PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
   ERNAKULAM.

BY ADV. SRI.JOHN VARGHESE, ASSISTANT SG
PUBLIC PROSECUTOR SRI.S.U.NAZER

THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD
ON 06/02/2007, ALONG WITH CRMC NO. 713 OF 2006 CRMC NO.806 OF 2006
CRMC NO. 817 OF 2006 CRMC NO. 834 OF 2006 CRMC NO. 833 OF 2006
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

Crl.M.C.Nos.713 of 2006,790 of 2006,
806 of 2006, 817 of 2006, 833 of 2006
and 834 of 2006

Dated this the 29th day of November 2006

O R D E R

The learned counsel for the petitioner submits that though there was a delay in filing the relevant returns etc., the same occurred only because of the expectancy that the application for striking off shall be allowed. Once it was realised that such striking off has not been allowed by the respondent, all the necessary returns have been filed along with the requisite fee/fine for the delay in filing the same. The learned counsel for the petitioner submits that in these circumstances, continuation of the prosecution must be reckoned as unnecessary and oppressing. The learned Assistant Solicitor General of India is directed to take instructions whether in the light of the subsequent alleged submission of the returns and the remittance and acceptance of the fee, it is necessary to continue with these prosecutions and whether these prosecutions can be quashed in the light of this new fact, which is reported namely subsequent submission of the returns and the remission of fine.

There shall be a stay/extension of stay, as prayed for, in all these cases, until further orders.

Hand over copy of the order to the learned ASGI. Call on 21/12/2006.

(R.BASANT, JUDGE)

jsr

R.BASANT, J

C.R.R.P.No.

ORDER

21ST DAY OF JULY 2006